

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Robert Moses Wilkerson

Date of Original Judgment: September 2, 1997

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 5:96-CR-167-1H

USM No: 16723-056

Thomas P. McNamara

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____

The amount of crack cocaine involved is 8.4 kilograms or greater. Additionally, the base offense level was established pursuant to USSG § 2D1(d)(1). A cross reference to USSG § 2A1.1 (First Degree Murder) was applicable because a victim was killed under circumstances that constituted murder under 18 U.S.C. § 1111.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated September 2, 1997 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 10/7/13


Judge's signature

Effective Date: _____
(if different from order date)

Malcolm J. Howard, Senior U.S. District Judge
Printed name and title